

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SAMARITAN MINISTRIES INTERNATIONAL,)
a religious Illinois non-profit corporation,)
6000 N. Forest Park Drive)
Peoria, Illinois 61614,)
and ten of its New Mexico members, namely,)
ZACHARY & RACHEL CORDEL, 662 CR F,)
Clovis, New Mexico 88101,)
DAVID ALLAN & MONETTE BELL, 3 Mountain)
Vista Trail, La Luz, NM 88337,)
REV. ANDREW & HEATHER HEATH, 1310)
Meadow Lane, Roswell, NM 88203,)
JAY & AMY O'NEILL, 275 Blue Sky Lane, Mesilla)
Park, NM 88047, and)
REV. NATHAN & REBEKAH BIENHOFF, 3501)
Highland Road, Roswell, NM 88201,)
Plaintiffs,)
v.)
ALICE T. KANE, in her personal capacity and in her)
official capacity as the Superintendent of Insurance)
for New Mexico, 1120 Paseo de Peralta 4th Floor,)
Santa Fe, NM 87501,)
Defendant.)

Case No. 1:23-cv-1091-LF-SCY

**ORDER FOR SINGLE
BRIEFING SCHEDULE
ON PENDING MOTION
FOR PRELIMINARY
INJUNCTION AND
MOTION TO DISMISS**

This matter comes before the Court on the Parties' Joint Motion for a Single Briefing and Argument Schedule on their pending Motions, to wit, Defendant's Motion to Dismiss in Lieu of Answer and Plaintiffs' Motion for a Preliminary Injunction. Doc. 13.

The Parties list the below documents as properly pending disposition with the Court.

- Plaintiffs' Verified Complaint (Doc. 1) (plus Exhibits thereto);
- Defendant's Motion to Dismiss *In Lieu of Answer* (Doc. 4); and
- Plaintiffs' Motion for Preliminary Injunction and Supporting Brief (Doc. 10).

The Parties request that said Motions be briefed, heard, and decided together by a district judge of this Court, upon the below briefing schedule and page limits.

BRIEFS	DUE DATE	PAGE LIMIT
<ul style="list-style-type: none"> • Opening • Response/Opposition • Reply 	<ul style="list-style-type: none"> • Filed/Pending • Mon 2/19/2024 • Mon 3/11/2024 	<ul style="list-style-type: none"> • 27 Pages • 27 Pages • 20 Pages

The Parties further request that said Motions be heard together at oral argument at a mutually convenient time in April 2024, the Court's docket permitting. The presiding judge will set oral argument, if needed and in accordance with the Judge's calendar. *See D.N.M. LR-Civ. 7.6(a).*

In consideration whereof, the Court GRANTS the Joint Motion and ORDERS briefing according to the Parties' above request.¹

Dated this 16th day of January, 2024



Steven C. Yarbrough
United States Magistrate Judge

¹ The parties also request a specific deadline for surreplies, which the Court declines to set at this time. Under this District's Local Rules, a surreply requires leave of the Court. D.N.M. LR-Civ. 7.4(b). If either party believes that a surreply is necessary for a specific motion, it may file a motion seeking a surreply and identifying the new argument raised in the reply brief to which the surreply is needed to address. *See Navajo Health Found.-Sage Mem'l Hosp., Inc. v. Burwell*, 110 F. Supp. 3d 1140, 1180 (D.N.M. 2015) ("A surreply is appropriate and should be allowed where new arguments are raised in a reply brief.").